

# Using KeyCite® in westlaw.com®

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## About This Guide

In this guide, the graphics and step-by-step instructions are based on accessing Westlaw via the Internet. Because of the evolving nature of Internet technology, there may be recent changes to the Westlaw interface and functionality that are not reflected in this documentation.

Information in this guide is current through July 31, 2005.

Author: Roberta L. Roban, J.D

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# Welcome to KeyCite

KeyCite is the powerful citation research service available exclusively on Westlaw. Use KeyCite at every step of your research process to help you find, understand, and update the law.

## When Should I Use KeyCite?

### Beginning Your Research

When you begin your research, use KeyCite to check the status of your case, statute, administrative decision, or regulation. You'll see at a glance whether it's good law on which to base your legal argument.

### Expanding Your Research

Expand your research by using KeyCite to find citing references to your case, statute, administrative decision, or regulation. KeyCite Notes is an exclusive KeyCite tool that lets you quickly find sources such as cases and analytical materials that cite your case for a specific point of law.

### Updating Your Research

At the end of your research, use KeyCite to update your work. Then use KeyCite Alert to automatically monitor the status of your cases, statutes, administrative decisions, and regulations and notify you when their KeyCite information changes.

## Why Should I Use KeyCite?

### Because the Law Changes

KeyCite tells you whether the law you are relying on in your legal argument has changed. Case history includes direct history, which traces your case through the appeals process and includes both prior and subsequent history, as well as negative citing references. Statute history lists cases affecting the validity of a statute and legislation that has affected or may affect the statute.

### Because the Law's Precedential Value Changes

KeyCite tells you how the law you are relying on has been interpreted. Even though your case may be good law, its holding may be affected by subsequent interpretation by the same court or different courts, which can affect its precedential value. Similarly, the validity of your statute may be affected by cases that interpret it or by subsequent legislation.

### Because You Need to Make Sure Your Research Is Thorough

KeyCite is the most thorough citation research service available. As described in detail on the next page, KeyCite covers federal and state cases and statutes; federal regulations and administrative decisions; regulations and administrative decisions from selected states; patents; and analytical materials, including hundreds of law reviews. This comprehensive coverage ensures that your research is thorough and complete.

KeyCite is comprehensive, current, accurate, and easy to use.

### Comprehensive

KeyCite information is available for federal and state cases, including every case in West's National Reporter System as well as more than 1 million unpublished cases; federal statutes and regulations; statutes from all 50 states; regulations and administrative decisions from selected states; patents issued by the U.S. Patent and Trademark Office;\* *American Law Reports* (ALR) annotations; articles from hundreds of law reviews; and administrative decisions of selected federal agencies, including the following:

- Board of Contract Appeals
- Bureau of Immigration Appeals
- Comptroller General
- Environmental Protection Agency
- Federal Communications Commission
- Internal Revenue Service
- Merit Systems Protection Board
- National Labor Relations Board
- Patent and Trademark Office

KeyCite provides information such as

- direct appellate history of cases and administrative decisions
- negative citing references for cases and administrative decisions
- citations to cases, administrative materials, secondary sources, and briefs on Westlaw that have cited a case, statute, administrative decision, or regulation
- complete integration with the West Key Number System so you can track legal issues discussed in a case
- citations to session laws amending or repealing a statute
- citations to pending legislation affecting federal or state statutes

In addition, KeyCite provides citing references from numerous texts and treatises, including *American Jurisprudence 2d* (Am Jur 2d), *Couch on Insurance*, Mertens' *Law of Federal Income Taxation*, Norton *Bankruptcy Law and Practice 2d*, publications of The Rutter Group, Witkin's California treatises, and Wright and Miller's *Federal Practice and Procedure*.

### Current

Direct history of a case is added to KeyCite within one to four hours of receipt of the opinion at West. Citing cases are added to KeyCite as soon as they are added to Westlaw. History of a statute is added to KeyCite as soon as the source documents are added to Westlaw.

### Accurate

All information added to KeyCite undergoes West's rigorous editorial analysis.

### Easy to Use

The ability to display the direct history of a case in graphical view and unique graphical elements, such as status flags, depth of treatment stars, and quotation marks, enable you to quickly identify and evaluate information in KeyCite.

\*For information about KeyCite for patents, see the *Intellectual Property Research Guide*, available at [west.thomson.com/westlaw/guides](http://west.thomson.com/westlaw/guides).

# Accessing KeyCite

There are several ways to access information in KeyCite.

- **From the Tabbed Westlaw Page**—At the tabbed Westlaw page (Figure 1), type a citation in the *KeyCite this citation* text box and click **GO**.
- **From Any westlaw.com Page**—At the top of any westlaw.com page, click **KeyCite** on the toolbar to display the KeyCite page (Figure 2). Then type a citation in the *KeyCite this citation* text box and click **GO**.
- **From a Displayed Document**—While viewing a document in split-page view, click **History** or **Full History** or click **Citing References** on the Links tab in the left frame (Figure 3); in full-page view, click **Links for ...** above the document header, then click **History** or **Full History** or click **Citing References** (Figure 4).
- **Using a KeyCite Status Flag**—A KeyCite status flag indicates that information for a document is available in KeyCite. Click the flag to display the KeyCite information.

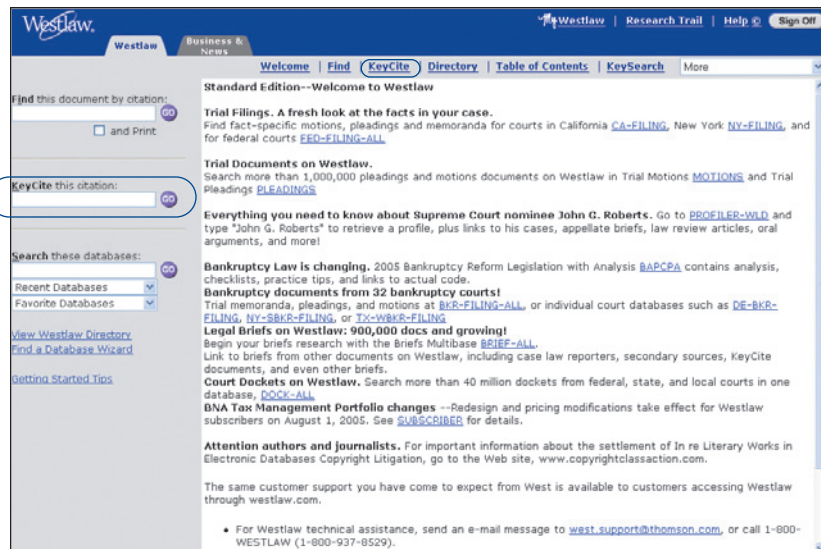



Figure 1: Tabbed Westlaw page

## Accessing KeyCite

To view coverage information for KeyCite, click the **Scope** icon  next to KeyCite.

To access KeyCite information, type a citation in the *KeyCite this citation* text box and click **GO**.

To view a list of publications and publication abbreviations that can be used in KeyCite, click **Publications List**.

To access the online Help Center for detailed information about using KeyCite, click **KeyCite Tips**.

To access KeyCite Alert—the service that helps you stay up-to-date on changes in KeyCite information for a document—click **KeyCite Alert**. (For more information about KeyCite Alert, see page 35.)

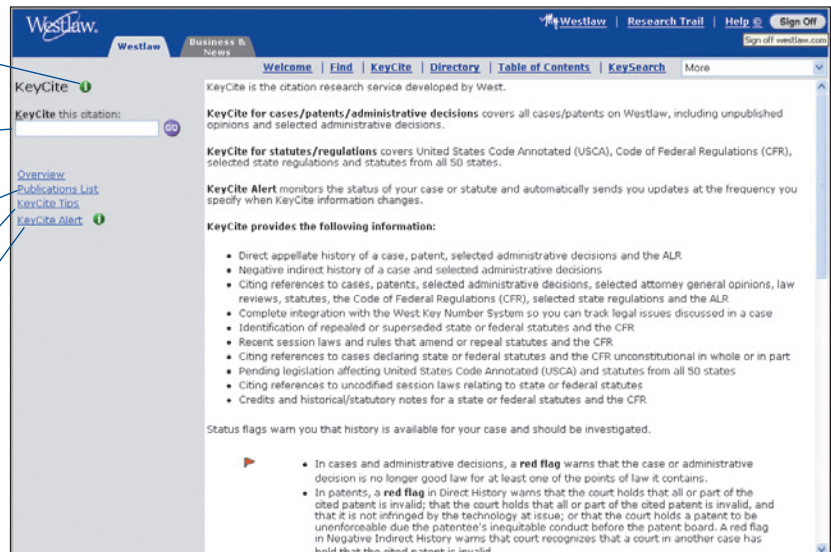


Figure 2: KeyCite page



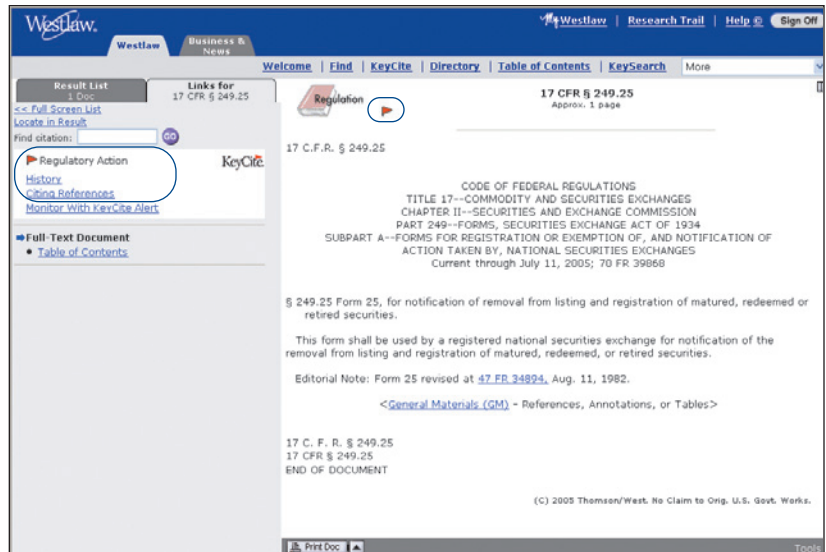


Figure 3: Displayed document in split-page view

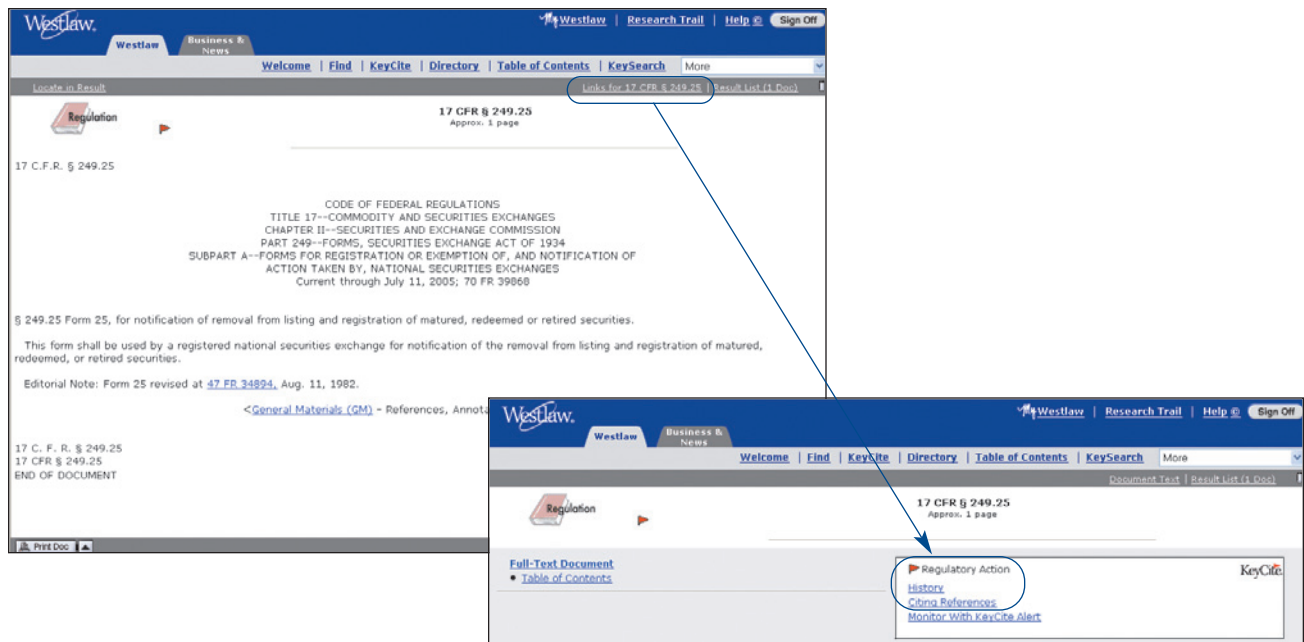


Figure 4: Displayed document in full-page view


# Viewing KeyCite Information


When you first access KeyCite, the history of the case, administrative decision, regulation, or statute is displayed. (Note: If you access KeyCite by clicking the green C or the **Citing References** link, a list of citing references is displayed.)

## Selecting a Page View

You can view KeyCite information in split-page or full-page view. Split-page view presents KeyCite information for a document in the right frame. Full-page view presents KeyCite information across the full width of the page, enhancing its online readability.

For example, in Figure 5 the history of an administrative decision is displayed in split-page view.

 To view the KeyCite history across the full width of the page (Figure 6), click the **Full-Page View** icon to the right of the document header in the right frame.

 To return to split-page view, click the **Split-Page View** icon on the right side of the page above the document header.

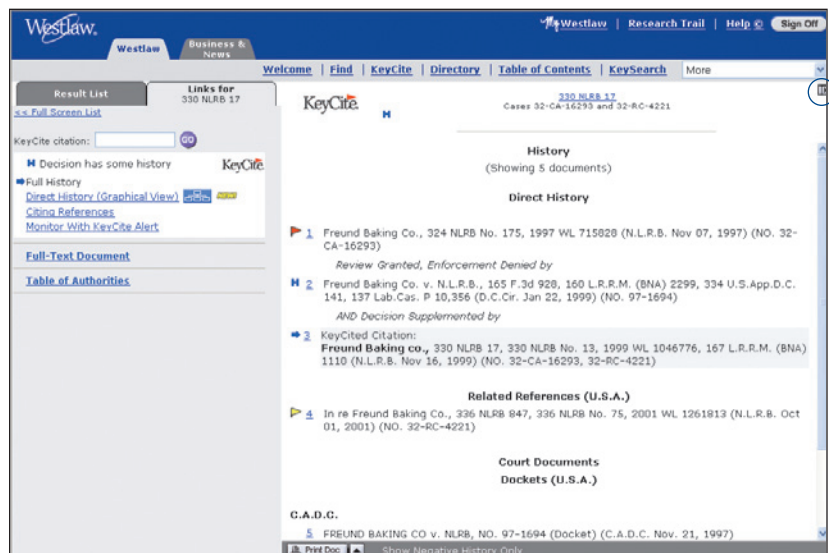


Figure 5: KeyCite information in split-page view

## Browsing Documents in KeyCite Results

While viewing KeyCite information, you can browse the full text of referenced documents in the Link Viewer (Figure 7) by clicking the number preceding a referenced document.

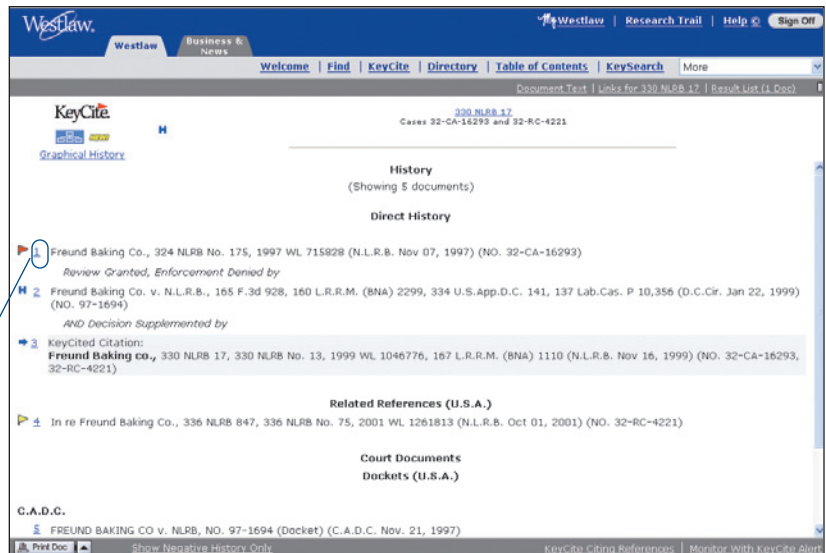


Figure 6: KeyCite information in full-page-view

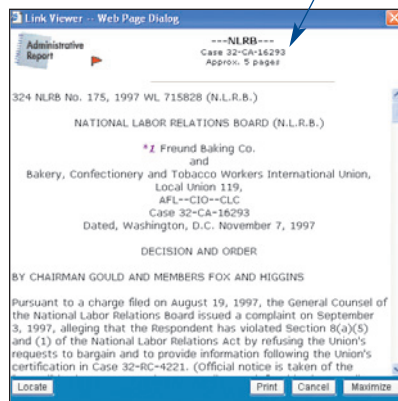


Figure 7: Referenced document displayed in the Link Viewer

# KeyCite Information for Cases

## KeyCite Status Flags for Cases

A KeyCite status flag (a red or yellow flag, a blue H, or a green C) indicates that information for a document is available in KeyCite.

Figure 8 shows a case law document displayed in westlaw.com. A KeyCite status flag is displayed in the document header in the right frame and in the white box on the Links tab in the left frame. A KeyCite status flag is also displayed next to the case citation on the Result List tab.



A red flag warns that the case is no longer good law for at least one of the points of law it contains.



A yellow flag warns that the case has some negative history but has not been reversed or overruled.



A blue H indicates that the case has some history.



A green C indicates that the case has citing references but no direct history or negative citing references.

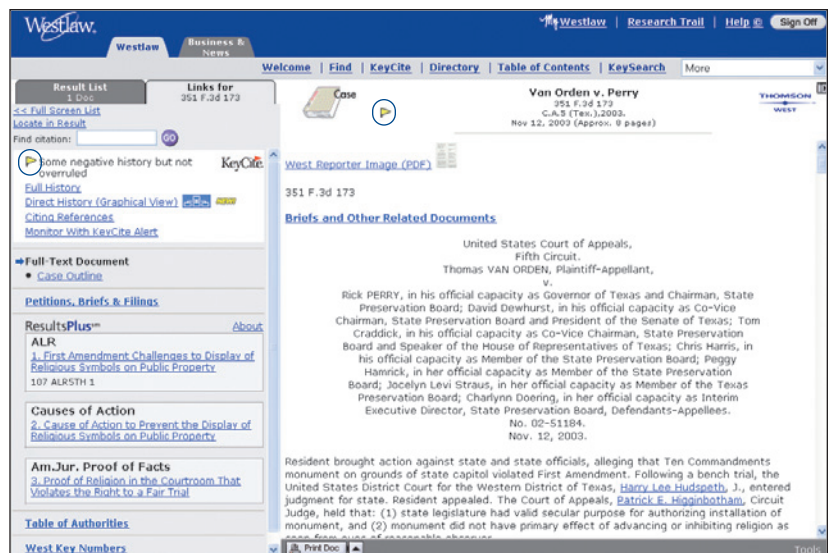


Figure 8: Case with a KeyCite status flag

## History of the Case

Case history is divided into the following categories:

- **Direct History** traces your case through the appellate process and includes both prior and subsequent history.
- **Negative Citing References** lists cases outside the direct appellate line that may have a negative impact on the precedential value of your case.
- **Related References** lists cases that involve the same parties and facts as your case, whether or not the legal issues are the same.

Case history also includes links to related court documents, such as briefs, petitions, motions, and filings.

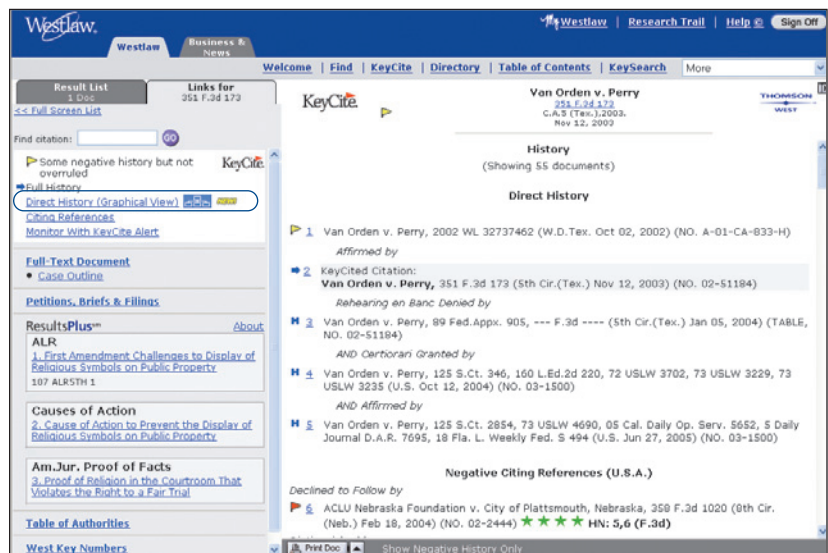


Figure 9: History of the case in split-page view

## Displaying Direct History in Graphical View

While viewing a case or its KeyCite result in text view (Figure 9), you can click **Direct History (Graphical View)** on the Links tab to display the direct history of the case in an easy-to-read graphical view (Figure 10). The case you are checking in KeyCite is clearly marked, and arrows clarify the route of the case through the courts. Both prior and subsequent history of the case is displayed, with each court decision referenced in a box at the appropriate trial or appellate level.

- Decisions on the merits are referenced in the larger *case* boxes.
- Court orders or rulings on petitions and motions, such as the granting of certiorari or the denial of a rehearing, are referenced in the smaller *procedural* boxes. To enlarge a procedural box so that the case title and citation are displayed, move your pointer over the box.

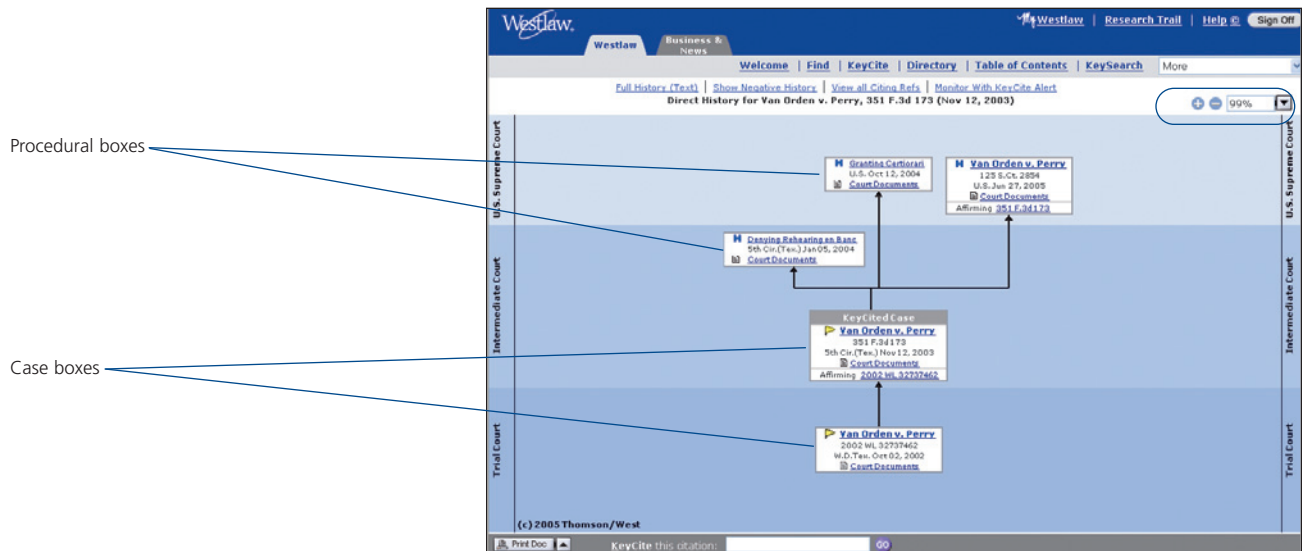


Figure 10: Direct history in graphical view

### Viewing documents referenced in the graphical display

The case and procedural boxes provide links to the full text of the decisions, orders, and rulings on Westlaw, as well as to related court documents, such as briefs, petitions, and motions. Simply click the appropriate links to access these documents. For example, if you were viewing the direct history of the case illustrated in Figure 10, you could click

- **Granting Certiorari** in the procedural box at the U.S. Supreme Court level to view the full text of the decision granting certiorari
- **Court Documents** in the case box at the U.S. Supreme Court level to display links to briefs, motions, and other court documents related to the Supreme Court case
- **Van Orden v. Perry** in the case box at the trial court level to display the full text of that case

### Changing the size of the graphical display

When you first access the graphical view, the complete direct history is displayed. Depending on the complexity of the direct history, the display may be reduced in size to give you an overview of the complete direct history. You can enlarge the display by clicking the plus (+) symbol or choosing a percentage from the drop-down list in the upper-right corner (shown circled in Figure 10). If the size of the display has been reduced to less than 90 percent, you can enlarge one box at a time by moving your pointer over each box.

### Returning to the full history result

After checking the direct history in graphical view, click **Full History (Text)** at the top of the page to return to the case's full history.

## Viewing Negative History Only

If you want to view only the negative history of a case, which includes both negative direct history and negative citing references, do one of the following:

- When you are viewing the full KeyCite history result (Figure 9), click **Show Negative History Only** at the bottom of the page.
- When you are viewing the direct history in graphical view (Figure 10), click **Show Negative History** at the top of the page.

## Citing References to the Case

To view a list of cases, administrative materials, secondary sources, and briefs and other court documents that cite your case, click **Citing References** on the Links tab in split-page view or **KeyCite Citing References** at the bottom of the KeyCite history result in full-page view. If you are viewing the direct history of case in graphical view, click **View All Citing Refs** at the top of the page.

The first portion of the KeyCite citing references result (Figure 11) lists all negative citing cases, followed by a list of other cases, administrative decisions, secondary sources, and briefs and other court documents citing your case.

Citing cases are categorized by the depth of treatment they give your case.

The screenshot displays the Westlaw KeyCite interface in split-page view. The top navigation bar includes links for Westlaw, Business & News, Welcome, Find, KeyCite, Directory, Table of Contents, KeySearch, and More. The main content area is titled "Van Orden v. Perry" (351 F.3d 173, C.A.5 (Tex.), 2003, Rev. 12, 2003). Below the title, the "Citing References" section is active, showing 97 documents. The results are categorized into "Negative Cases (U.S.A.)" and "Positive Cases (U.S.A.)".

**Negative Cases (U.S.A.)**

- Declined to Follow by**
  - 1. ACLU Nebraska Foundation v. City of Plattsmouth, Nebraska, 358 F.3d 1020, 1025+ (8th Cir.(Neb.) Feb 18, 2004) (NO. 02-2444) ★★ ★★ HN: 5,6 (F.3d)
- Distinguished by**
  - 2. Staley v. Harris County, Texas, 332 F.Supp.2d 1030, 1032+ (S.D.Tex. Aug 10, 2004) (NO. CIV.A. H-03-3411) ★★ ★★ HN: 5,6 (F.3d)

**Positive Cases (U.S.A.)**

- Cited**
  - 3. McCreary County, Kentucky v. ACLU of Kentucky, 2004 WL 2107782, \*2107782+ (Appellate Petition, Motion and Filing) (U.S. Sep 17, 2004) **Reply Brief in Support of Petition for Writ of ...** (NO. 03-1693) HN: 1 (F.3d)
  - 4. Harlan County, Kentucky v. ACLU of Kentucky, 2004 WL 2107783, \*2107783+ (Appellate Petition, Motion and Filing) (U.S. Sep 17, 2004) **Reply Brief in Support of Petition for Writ of ...** (NO. 03-1690) HN: 1 (F.3d)
  - 5. Modrovich v. Allegheny County, Pa., 385 F.3d 397, 413+ (3rd Cir.(Pa.) Oct 06, 2004) (NO. 03-3571) HN: 5,6 (F.3d)
  - 6. American Civil Liberties Union of Ohio Foundation, Inc. v. Ashbrook, 375 F.3d 484, 505+, 2004 Fed.App. 0224P, 0224P+ (6th Cir.(Ohio) Jul 14, 2004) (NO. 02-3667) ★★ (in dissent) HN: 4 (F.3d)
  - 7. American Civil Liberties Union of Kentucky v. McCreary County, Kentucky, 354 F.3d 438, 471+, 184 Ed. Law Rep. 67, 67+, 2003 Fed.App. 0447P, 0447P+ (6th Cir.(Ky.) Dec 18,

The left sidebar contains various links and tools, including "Result List", "Find citation:", "Full History", "Direct History (Graphical View)", "Citing References", "Monitor With KeyCite Alert", "Full-Text Document", "Case Outline", "Petitions, Briefs & Filings", "ResultsPlus", "ALR", "Causes of Action", "Am.Jur. Proof of Facts", "Table of Authorities", and "West Key Numbers".

Figure 11: Citing references to the case in split-page view



**KeyCite Depth of Treatment Stars**

KeyCite depth of treatment stars indicate the extent to which a citing case, administrative decision, or brief discusses the cited case.

**★★★★ Examined**

The citing case, administrative decision, or brief contains an extended discussion of the cited case, usually more than a printed page of text.

**★★★ Discussed**

The citing case, administrative decision, or brief contains a substantial discussion of the cited case, usually more than a paragraph but less than a printed page.

**★★ Cited**

The citing case, administrative decision, or brief contains some discussion of the cited case, usually less than a paragraph.

**★ Mentioned**

The citing case, administrative decision, or brief contains a brief reference to the cited case, usually in a string citation.

**KeyCite Quotation Marks**

Quotation marks (") indicate that the citing case, administrative decision, or brief directly quotes the cited case.



## Restricting Citing References to the Case

To restrict the list of citing references, complete these steps:

1. While viewing the KeyCite citing references result, click **Limit KeyCite Display** at the bottom of the page. The KeyCite Limits page is displayed.

Alternatively, you can click the arrow immediately following *Limit KeyCite Display* and choose a restriction from the menu that is displayed (Figure 12).

2. Click the arrows in the left frame to restrict the list of citing references by headnote, Locate term, jurisdiction, date, document type, or depth of treatment category.
3. Click **Apply** to display the list of citing references with the restrictions you specify.

To modify your restrictions, click the arrow immediately following *Cancel Limits* at the bottom of the KeyCite citing references result (see Figure 15 on page 17). Then choose the restriction you want to modify from the menu that is displayed.

To cancel your restrictions and display all citing references, click **Cancel Limits** at the bottom of the KeyCite citing references result.

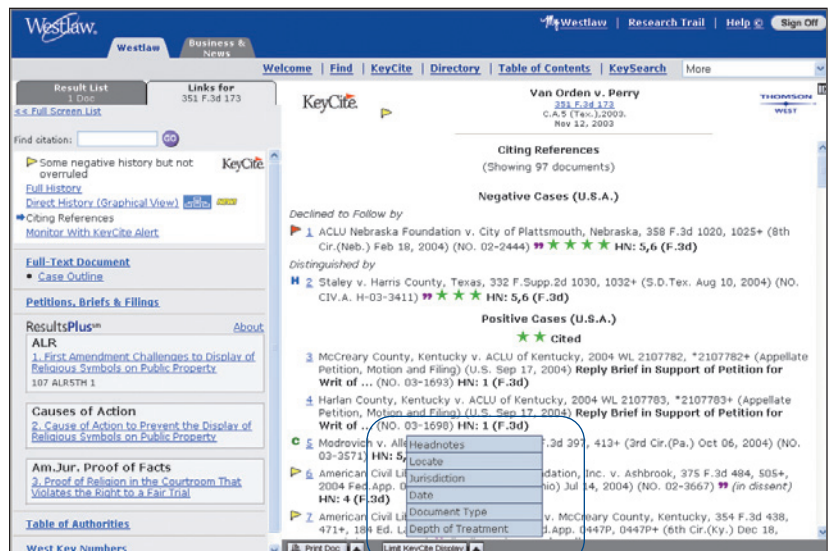


Figure 12: Limit KeyCite Display menu

## Limit by Headnote

Every legal issue in a case published by West is identified and summarized in a headnote. Each headnote is classified under one or more topics and key numbers in the West Key Number System. Each topic and key number represents a particular point of law.

To restrict the list of citing references to those discussing points of law dealt with in specific headnotes, click the **Headnotes** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Headnotes** from the menu that is displayed. A list of topics and key numbers under which the headnotes from the cited case are classified is displayed in the right frame, followed by the full text of the headnotes (Figure 13). Select one or more check boxes preceding the topics and key numbers, then click **Apply**.

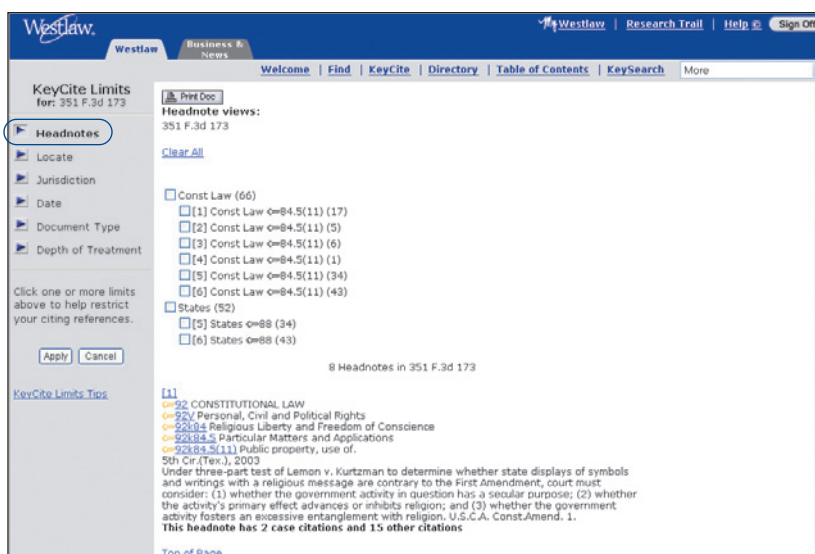


Figure 13: KeyCite Limits–Headnotes page

## Limit by Locate

KeyCite Locate enables you to search the text of citing references and restrict your KeyCite result to those documents that contain specific terms.

To access KeyCite Locate, click the **Locate** arrow in the left frame of the KeyCite Limits page (Figure 14). You can also access KeyCite Locate by clicking the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choosing **Locate** from the menu that is displayed.

After accessing KeyCite Locate, follow these steps:

1. Type your Locate terms in the *Locate Query* text box as you would a Terms and Connectors query.
2. If you want the Locate terms to appear in the same paragraph as the cited reference, select the check box below the *Connectors/Expanders* list box.
3. Click **Apply** to search the text of citing references.

Your list of citing references is restricted to documents that contain your Locate terms (Figure 15). To view the full text of a document in the Link Viewer, click the number preceding its citation. Your Locate terms are highlighted in the text of the citing document (Figure 16).

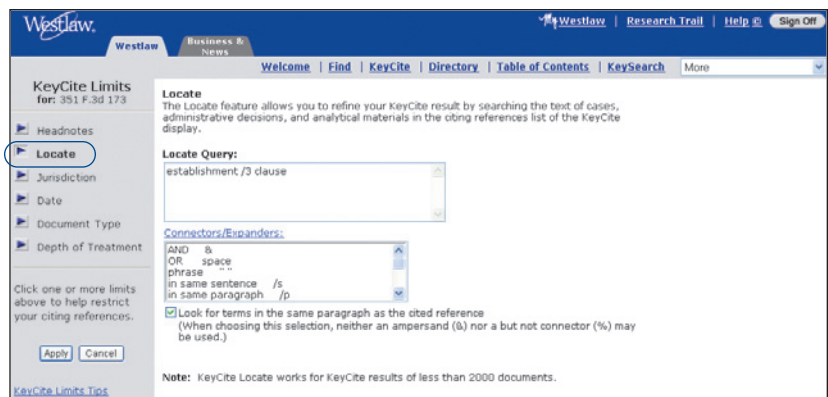


Figure 14: KeyCite Limits–Locate page

Note: KeyCite Locate is available only for KeyCite results containing fewer than 2,000 citing references. If the number of citing references in a KeyCite result exceeds 2,000, select other restrictions in addition to Locate to reduce the number of citing references in the result.

The screenshot shows the Westlaw KeyCite interface. At the top, there's a navigation bar with 'Westlaw', 'Business & News', 'Welcome', 'Find', 'KeyCite', 'Directory', 'Table of Contents', and 'KeySearch'. Below this, a search bar contains 'Van Orden v. Perry' and '351 F.3d 113'. A callout box highlights the text 'Citing References: limited to LOCATE TERMS (Showing 34 of 97 documents)'. The main content area lists cases under 'Negative Cases (U.S.A.)' and 'Positive Cases (U.S.A.)'. The 'Positive Cases' section includes cases like 'Modrovich v. Allegheny County, Pa.', 'American Civil Liberties Union of Ohio Foundation, Inc. v. Ashbrook', 'Buono v. Norton', and 'Mercier v. City of La Crosse'. The 'Administrative Decisions (U.S.A.)' section includes 'Tex. Atty. Gen. Op. GA-0252, The Honorable Phil King (2004)'. The 'Secondary Sources (U.S.A.)' section includes 'First Amendment Challenges to Display of Religious Symbols on Public Property, 107 A.L.R.5th 1, 510+ (2003) HN: 5,6 (F.3d)'. A 'Print Doc' button is visible at the bottom right.

Figure 15: List of citing references restricted to documents containing Locate terms

The screenshot shows a 'Link Viewer - Web Page Dialog' window. The title bar says 'Link Viewer - Web Page Dialog'. The main content area displays the text of a citing reference: 'AGLU Nebraska Foundation v. City of Plattsmouth, ... 358 F.3d 1020, 1025+ (8th Cir.(Neb.) Feb 18, 2004) (NO. 02-2444) HN: 5,6 (F.3d)'. The text highlights the phrase 'Establishment Clause' in several places. At the bottom of the dialog, there is a 'Locate' button and a 'Print' button.

Figure 16: Locate terms highlighted in the text of a citing reference

## Limit by Jurisdiction

To limit citing cases by jurisdiction, follow these steps:

1. Click the **Jurisdiction** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Jurisdiction** from the menu that is displayed. A list of jurisdictions that have issued cases citing your case is displayed in the right frame (Figure 17). Citation counts, enclosed in parentheses following a jurisdiction, show the number of cases from that jurisdiction that cite your case.
2. Select the check boxes for the jurisdictions relevant to you.
3. Click **Apply** in the left frame.

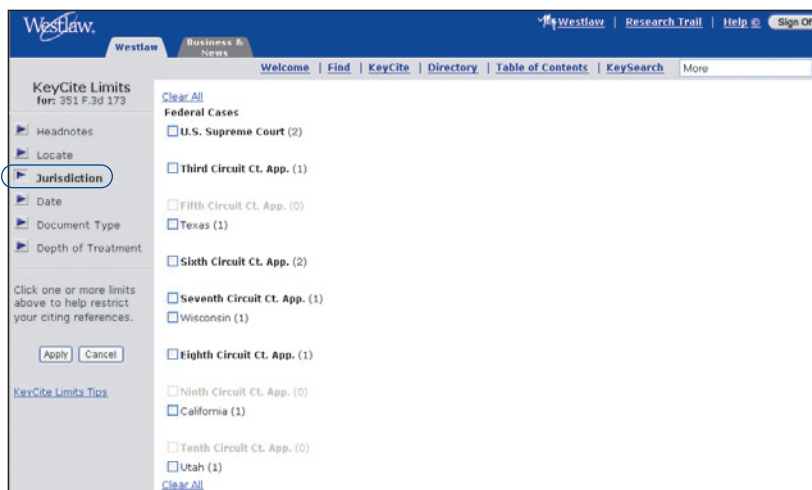


Figure 17: KeyCite Limits–Jurisdiction page

## Limit by Date

You can restrict citing references to documents issued during a specific time period or before or after a given date or to documents added to Westlaw during a specific time period or after a given date.

Click the **Date** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Date** from the menu that is displayed. A number of drop-down lists and text boxes are displayed in the right frame (Figure 18).

- To restrict the citing references by the decision date or publication date, select **Date of Document** in the right frame; then select a restriction from the drop-down list, or enter your date restriction in the *After* and *Before* text boxes by typing the dates or selecting them from the calendar. (To display the calendar, click the **Calendar** icon (📅)).
- To restrict the citing references by the date they were added to Westlaw, select **Date added after**; then select a restriction from the drop-down list, or enter your date restriction in the *Specific* text box by typing the date or selecting it from the calendar.

When you finish making your selections, click **Apply** in the left frame.

Figure 18: KeyCite Limits–Date page

### Limit by Document Type

From the KeyCite Limits page, you can

- restrict citing references to cases from a jurisdiction’s highest court, other courts, or both
- include or exclude citations to ALR annotations, law review articles, and other secondary sources
- include or exclude citations to administrative decisions and the *Federal Register*
- restrict citing references to documents from a specific publication

Click the **Document Type** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Document Type** from the menu that is displayed. A list of document types is displayed in the right frame (Figure 19). Clear the check boxes next to the document types that you do not want included in your list of citing references. To restrict the citing references to a specific publication, type the publication abbreviation in the *Publication* text box. When you finish selecting your restrictions, click **Apply** in the left frame.

Figure 19: KeyCite Limits–Document Type page

## Limit by Depth of Treatment

You can restrict citing cases to one or more depth of treatment categories. Click the **Depth of Treatment** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Depth of Treatment** from the menu that is displayed. The depth of treatment categories are displayed in the right frame (Figure 20). Clear the check boxes next to the depth of treatment categories that you do not want included in your list of citing references, then click **Apply**.

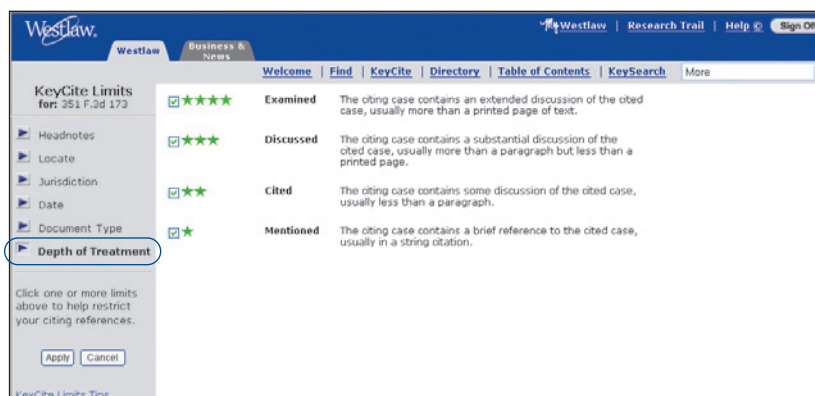


Figure 20: KeyCite Limits–Depth of Treatment page

## KeyCite Notes

KeyCite Notes makes it easy for you to focus or expand your research by allowing you to move directly from a displayed case to its KeyCite result, limited to citing references that discuss legal issues similar to the one summarized in a particular headnote.

From a displayed case, follow these steps:

1. Click the **KeyCite Notes** link or icon in a headnote classification hierarchy in the case (Figure 21). A list of the types of citing references available in KeyCite is displayed (Figure 22). Each type of citing reference is followed by a number that indicates how many documents of that type cite the case for the legal issue summarized in the headnote.
2. Click the plus (+) and minus (–) symbols to browse the list.
3. Select the check boxes next to the types of citing references you want to view. When you finish making your selections, click **GO**. The citing references are displayed in the right frame (Figure 23).

To display the complete list of citing references, click **Cancel KC Notes** at the bottom of the page.





Figure 21: KeyCite Notes link and icon

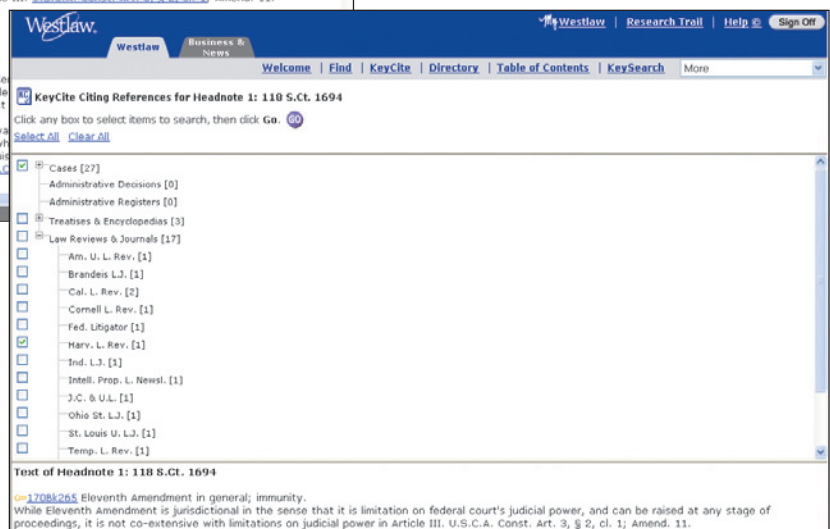


Figure 22: List of the types of citing references



Figure 23: Citing references retrieved using KeyCite Notes



# KeyCite Information for Statutes

## KeyCite Status Flags for Statutes

A KeyCite status flag (a red or yellow flag or a green C) displayed in a statute indicates that KeyCite information is available for the statute. A KeyCite status flag is displayed in the document header in the right frame and in the white box on the Links tab in the left frame (Figure 24). A KeyCite status flag is also displayed next to the statute citation on the Result List tab.



A red flag indicates that

- the statute has been amended by a recent session law, repealed, or superseded
- a court has ruled that the statute is unconstitutional or preempted in whole or in part or is unconstitutional as applied\*
- a court has recognized that the statute has been repealed by implication, ruled unconstitutional, or preempted\*



A yellow flag indicates that

- the statute has been renumbered or transferred by a recent session law
- an uncodified session law or pending legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag)
- a court has ruled that the statute is limited on constitutional or preemption grounds or is of questionable validity\*
- negative treatment of the statute was reconsidered\*
- a prior version of the statute was held unconstitutional, preempted, or unconstitutional as applied; recognized as repealed by implication, as unconstitutional, or as preempted; limited on constitutional or preemption grounds; or of questionable validity\*



A green C indicates that the statute has citing references.

\* A KeyCite flag is displayed for a statute whose validity is affected by a case if the case was added to Westlaw after January 15, 2001.

Up to three KeyCite flags may be displayed on the Links tab.

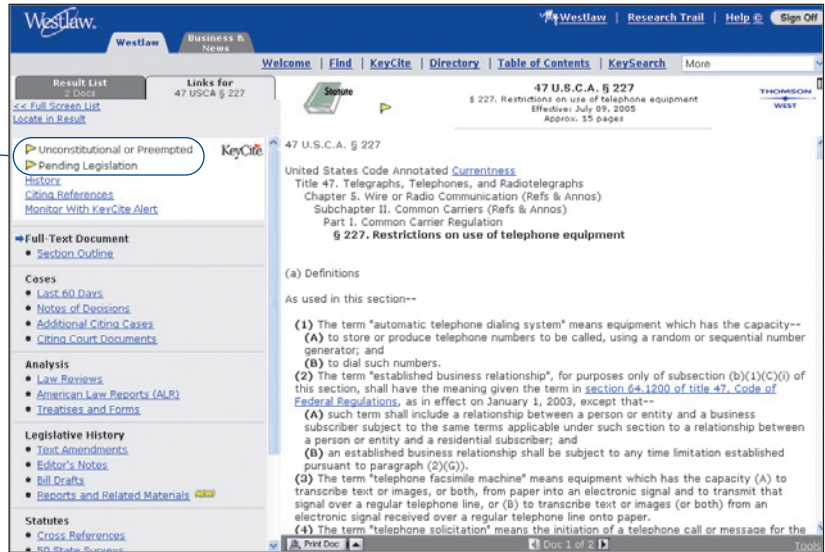


Figure 24: Statute document with KeyCite status flags

## History of the Statute

Statute history lists cases affecting the validity of the statute\* plus legislation affecting the statute. This legislation is divided into the following categories:

- **Updating Documents** lists citations to recent session laws that have amended or repealed the section.
- **Pending Legislation** lists citations to pending bills that reference the section.
- **Credits** lists in chronological order citations to session laws that have enacted, amended, or renumbered the section.
- **Historical and Statutory Notes** describes the legislative changes affecting the section.

Figure 25 shows KeyCite history information in split-page view.

\* A KeyCite flag is displayed for a statute whose validity is affected by a case if the case was added to Westlaw after January 15, 2001.

The screenshot displays the Westlaw KeyCite interface for 47 U.S.C. § 227. The interface is split into two main sections: a left sidebar with navigation links and a main content area on the right.

**Left Sidebar (Navigation Links):**

- Result List (2 Docs)
- Links for 47 USCA § 227
- Unconstitutional or Preempted
- Pending Legislation
- History
  - Citing References
  - Monitor With KeyCite Alert
- Full-Text Document
  - Section Outline
- Cases
  - Last 60 Days
  - Notes of Decisions
  - Additional Citing Cases
  - Citing Court Documents
- Analysis
  - Law Reviews
  - American Law Reports (ALR)
  - Treatises and Forms
- Legislative History
  - Text Amendments
  - Editor's Notes
  - Bill Drafts
  - Reports and Related Materials
- Statutes
  - Cross References

**Main Content Area:**

47 U.S.C.A. § 227

§ 227. Restrictions on use of telephone equipment effective: July 09, 2005

To view the full text of this section, click on the following citation. [47 USCA § 227](#)

**Negative Treatment Reconsidered by**

- 1 Rudgayer & Gratt v. Enine, Inc., [779 N.Y.S.2d 882](#)
- 2 Missouri ex rel. Nixon v. American Blast Fax, Inc., [323 F.3d 642](#)

**PENDING LEGISLATION**

- 1 2005 CONG US HR 2294, 109th CONGRESS, 1st Session, To amend the Communications Act of 1934 to prohibit the use of autodialers for purposes of political solicitations, and for other purposes. (May 11, 2005), Introduced in House, PROPOSED ACTION: Amended.

**Bill Drafts**

- 1 2005 CONG US S 714, 109th CONGRESS, 1st Session, To amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions. (Jul 2005), Enrolled Bill, ACTION: Amended. Updating Legislation: **PL 109-21, July 9, 2005, 119 Stat 359**
- 2 2005 CONG US S 714, 109th CONGRESS, 1st Session, (Jun 24, 2005), Engrossed in Senate, ACTION: Amended. Updating Legislation: **PL 109-21, July 9, 2005, 119 Stat 359**
- 3 2005 CONG US S 714, 109th CONGRESS, 1st Session, (Report No. 109-76) To amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions. (Jun 07, 2005), Reported in Senate, ACTION: Amended. Updating Legislation: **PL 109-21, July 9, 2005, 119 Stat 359**

Figure 25: History of the statute in split-page view

## Citing References to the Statute

To view a list of documents that cite the statute, click **Citing References** on the Links tab in split-page view, or click **KeyCite Citing References** at the bottom of the KeyCite history result in full-page view.

Figure 26 shows KeyCite citing references in split-page view.

Documents citing the statute are listed in the following order: cases that have affected the validity of a section, cases from *United States Code Annotated* and state statute notes of decisions, cases on Westlaw that do not appear in notes of decisions, administrative decisions, *Federal Register* documents, secondary sources, briefs and other court documents, statutes and court rules, and administrative codes. If the list of citing references is long, it will be divided into parts.

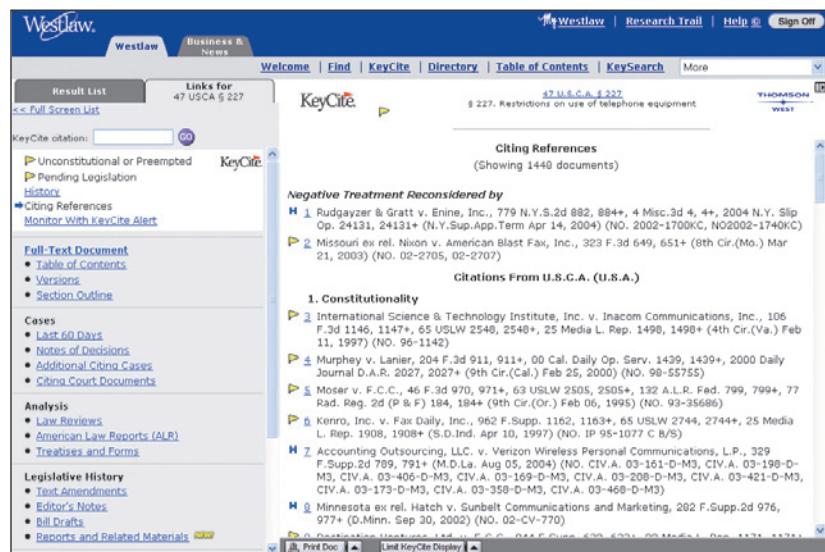


Figure 26: Citing references to the statute in split-page view

## Restricting Citing References to the Statute

To restrict the list of citing references, complete these steps:

1. While viewing the KeyCite citing references result, click **Limit KeyCite Display** at the bottom of the page. The KeyCite Limits page is displayed.

Alternatively, you can click the arrow immediately following *Limit KeyCite Display* and choose a restriction from the menu that is displayed (Figure 27).

2. Click the arrows in the left frame to restrict the list of citing references by notes of decisions, Locate term, jurisdiction, date, or document type.
3. Click **Apply** to display the list of citing references with the restrictions you specify.

To modify your restrictions, click the arrow immediately following *Cancel Limits* at the bottom of the KeyCite citing references result (see Figure 31 on page 30). Then choose the restriction you want to modify from the menu that is displayed.

To cancel your restrictions and display all citing references, click **Cancel Limits** at the bottom of the KeyCite citing references result.

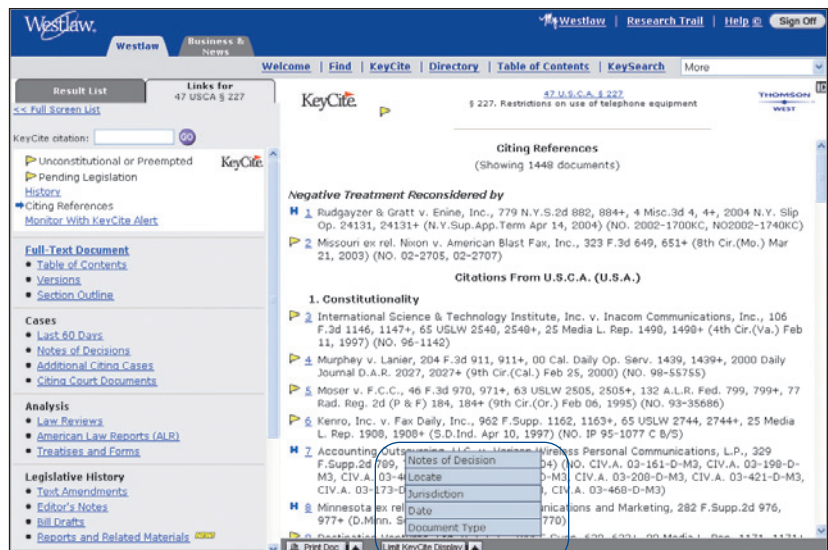


Figure 27: Limit KeyCite Display menu

## Limit by Notes of Decisions

Notes of decisions summarize points of law in court decisions and attorney general opinions that have construed your statute. Notes of decisions are indexed by topic.

To restrict the list of citing cases to those cited in notes of decisions indexed under a specific topic, click the **Notes of Decisions** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Notes of Decision** from the menu that is displayed. The topics under which the notes of decisions are indexed are displayed in the right frame (Figure 28). Select one or more check boxes preceding the topics, then click **Apply**.

To view the text of notes of decisions, click the **View Notes of Decisions Text** arrow in the right frame. The notes of decisions are displayed across the full width of the page (Figure 29). You can easily browse the notes of decisions by using the hypertext links in the index at the top of the page.

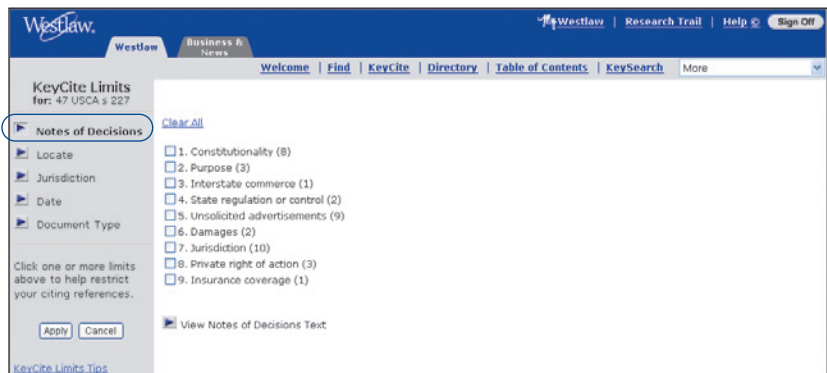


Figure 28: KeyCite Limits–Notes of Decisions page

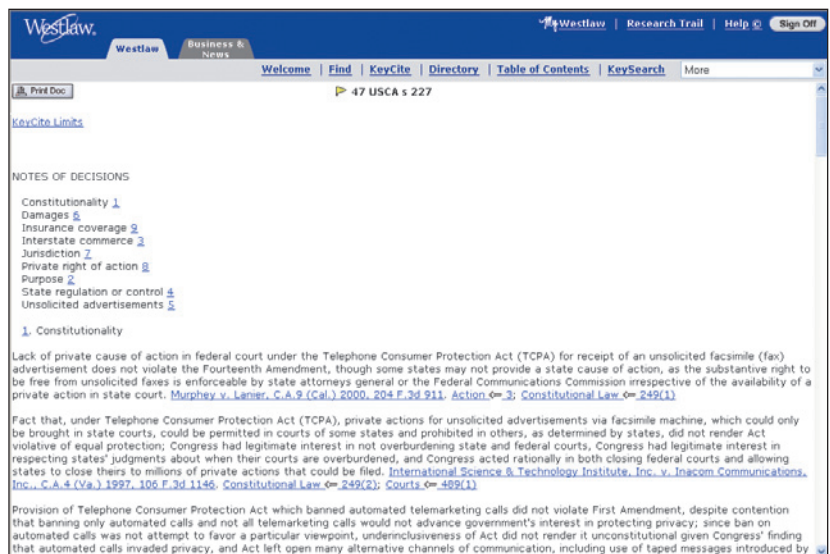


Figure 29: Index and text of notes of decisions

## Limit by Locate

KeyCite Locate enables you to search the text of citing references and restrict your KeyCite result to those documents that contain specific terms.

To access KeyCite Locate, click the **Locate** arrow in the left frame of the KeyCite Limits page (Figure 30). You can also access KeyCite Locate by clicking the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choosing **Locate** from the menu that is displayed.

After accessing KeyCite Locate, follow these steps:

1. Type your Locate terms in the *Locate Query* text box as you would a Terms and Connectors query.
2. If you want the Locate terms to appear in the same paragraph as the cited reference, select the check box below the *Connectors/Expanders* list box.
3. Click **Apply** to search the text of citing references.

Your list of citing references is restricted to documents that contain your Locate terms (Figure 31). To view the full text of a document in the Link Viewer, click the number preceding its citation. Your Locate terms are highlighted in the text of the citing document (Figure 32).

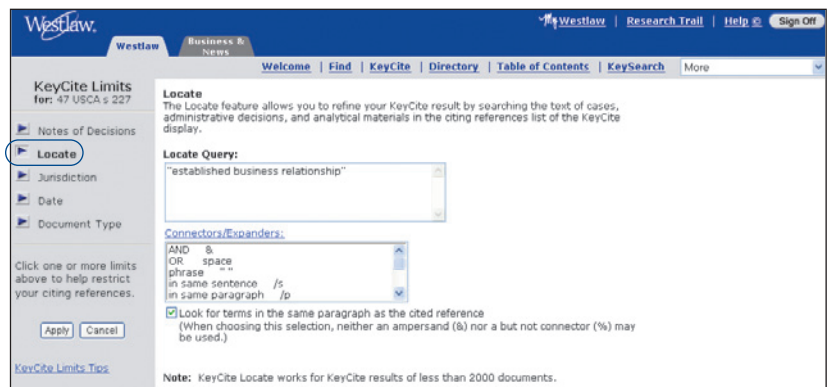


Figure 30: KeyCite Limits–Locate page



## KeyCite Information for Statutes

Note: KeyCite Locate is available only for KeyCite results containing fewer than 2,000 citing references. If the number of citing references in a KeyCite result exceeds 2,000, select other restrictions in addition to Locate to reduce the number of citing references in the result.

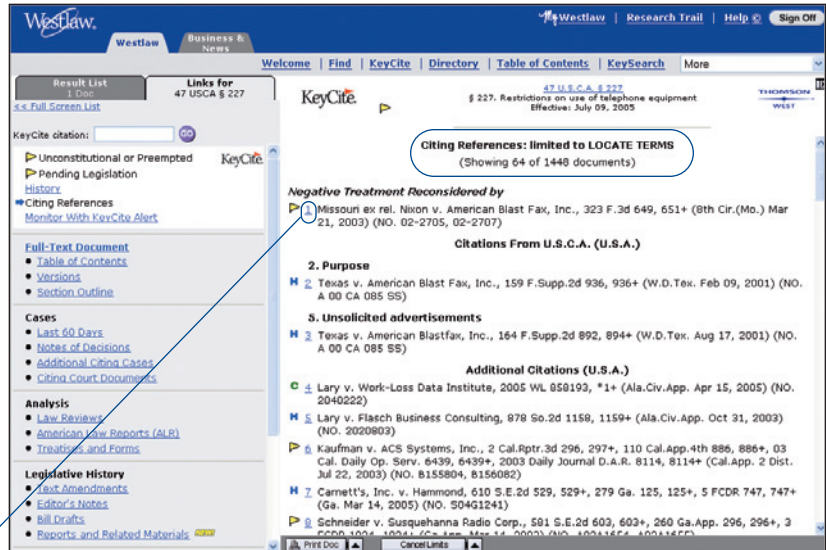


Figure 31: List of citing references restricted to documents containing Locate terms

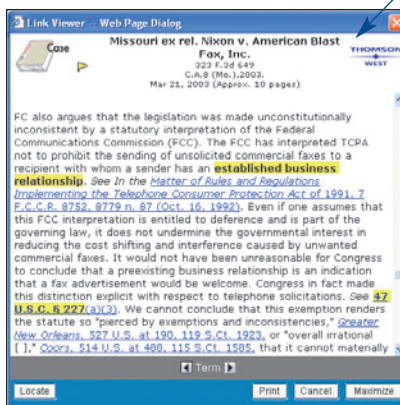


Figure 32: Locate terms highlighted in the text of a citing reference



## Limit by Jurisdiction

To limit citing cases by jurisdiction, follow these steps:

1. Click the **Jurisdiction** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Jurisdiction** from the menu that is displayed. A list of jurisdictions that have issued cases citing your statute is displayed in the right frame (Figure 33). Citation counts, enclosed in parentheses following a jurisdiction, show the number of cases from that jurisdiction that cite your statute.
2. Select the check boxes for the jurisdictions relevant to you.
3. Click **Apply** in the left frame.

Westlaw. Business & News

Welcome | Find | KeyCite | Directory | Table of Contents | KeySearch | More

KeyCite Limits for: 47 USC § 227

Notes of Decisions  
Locate  
**Jurisdiction**  
Date  
Document Type

Click one or more limits above to help restrict your citing references.

Apply Cancel

[KeyCite Limits Tips](#)

[Clear All](#)

**Federal Cases**

- ☐ First Circuit Ct. App. (1)
- ☐ Second Circuit Ct. App. (3)
- ☐ New York (5)
- ☐ Third Circuit Ct. App. (1)
- ☐ New Jersey (1)
- ☐ Pennsylvania (6)
- ☐ Fourth Circuit Ct. App. (3)
- ☐ Maryland (1)
- ☐ South Carolina (1)
- ☐ Virginia (4)
- ☐ West Virginia (1)
- ☐ Fifth Circuit Ct. App. (1)
- ☐ Louisiana (4)
- ☐ Texas (8)
- ☐ Sixth Circuit Ct. App. (1)
- ☐ Ohio (2)
- ☐ Seventh Circuit Ct. App. (1)

**State Cases**

- ☐ Alabama (8)
- ☐ Arizona (1)
- ☐ California (9)
- ☐ Colorado (1)
- ☐ Connecticut (3)
- ☐ District of Columbia (1)
- ☐ Florida (1)
- ☐ Georgia (7)
- ☐ Illinois (5)
- ☐ Indiana (1)
- ☐ Maryland (5)
- ☐ Massachusetts (2)
- ☐ Minnesota (2)
- ☐ Missouri (4)
- ☐ New Jersey (4)
- ☐ New York (11)
- ☐ Ohio (23)
- ☐ Oregon (1)
- ☐ Pennsylvania (3)
- ☐ Texas (13)
- ☐ Virginia (1)
- ☐ Washington (1)

Figure 33: KeyCite Limits–Jurisdiction page

## Limit by Date

You can restrict citing references to documents issued during a specific time period or before or after a given date or to documents added to Westlaw during a specific time period or after a given date.

Click the **Date** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Date** from the menu that is displayed. A number of drop-down lists and text boxes are displayed in the right frame (Figure 34).

- To restrict the citing references by the date of the document, select **Date of Document** in the right frame; then select a restriction from the drop-down list, or enter your date restriction in the *After* and *Before* text boxes by typing the dates or selecting them from the calendar. (To display the calendar, click the **Calendar** icon.)
- To restrict the citing references by the date they were added to Westlaw, select **Date added after**; then select a restriction from the drop-down list, or enter your date restriction in the *Specific* text box by typing the date or selecting it from the calendar.

When you finish making your selections, click **Apply** in the left frame.

Westlaw. Business & News

Welcome | Find | KeyCite | Directory | Table of Contents | KeySearch | More

KeyCite Limits for: 47 USC § 227

Notes of Decisions  
Locate  
Jurisdiction  
**Date**  
Document Type

Click one or more limits above to help restrict your citing references.

Apply Cancel

KeyCite Limits Tips

☒ **Date of Document**

Unrestricted

OR

After: mm/dd/yyyy

Before: mm/dd/yyyy

☐ **Date added after**

Unrestricted

OR

Specific: mm/dd/yyyy (must be after 6/1/1999)

**Tip:** Select a date from the drop-down list to restrict the citing references by the date they were added to Westlaw. This limit is useful for updating previous research.

Figure 34: KeyCite Limits–Date page

## Limit by Document Type

From the KeyCite Limits page, you can

- restrict citing references to cases from a jurisdiction's highest court, other courts, or both
- include or exclude citations to ALR annotations, law review articles, and other secondary sources
- include or exclude citations to administrative decisions, other statutes, administrative codes, and the *Federal Register*
- restrict citing references to documents from a specific publication

Click the **Document Type** arrow in the left frame of the KeyCite Limits page, or click the arrow immediately following *Limit KeyCite Display* at the bottom of the KeyCite citing references result and choose **Document Type** from the menu that is displayed. A list of document types is displayed in the right frame (Figure 35). Clear the check boxes next to the document types that you do not want included in your list of citing references. To restrict the citing references to a specific publication, type the publication abbreviation in the *Publication* text box. When you finish selecting your restrictions, click **Apply** in the left frame.

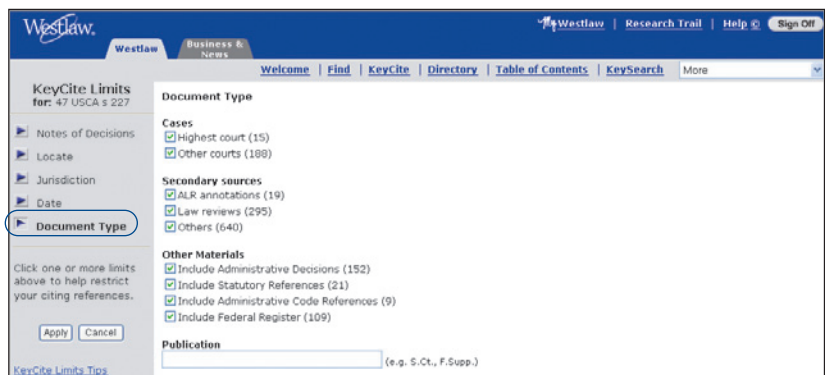


Figure 35: KeyCite Limits–Document Type page

# KeyCite Alert

KeyCite Alert automatically monitors the status of cases, statutes, and administrative materials and sends you updates when their KeyCite information changes. When you create a KeyCite Alert entry, you specify how frequently your citation should be checked, for example, weekly, biweekly, or monthly. KeyCite Alert can deliver results to several destinations, such as a printer or an e-mail address, or download the results to disk. You can also save your results on Westlaw for 30 days and access them in the Offline Print Directory.

## Creating a KeyCite Alert Entry

There are several ways to create a KeyCite Alert entry.

- **From a KeyCite Result or a Displayed Document**—Click **Monitor with KeyCite Alert** on the Links tab in the left frame in split-page view or at the bottom of the page in full-page view. The KeyCite Alert wizard is displayed with the citation of the document automatically entered for you (Figure 36). Type a client identifier in the text box, if necessary, and click **Next**. Then follow the step-by-step instructions to continue creating the entry.
- **From Any westlaw.com Page**—Choose **KeyCite Alert** from the *More* drop-down list on the toolbar. If you do not currently have any KeyCite Alert entries, an overview of KeyCite Alert is displayed. If you have KeyCite Alert entries, the KeyCite Alert Directory is displayed (see Figure 41 on page 38). Then do one of the following:
  - Click **Entry Wizard** and follow the step-by-step instructions to create your entry.
  - Click **Create Entry**, then type the citation of the document you want to monitor in the *Citation* text box and click **GO**. The KeyCite Alert: Create Entry page is displayed (Figure 37). Specify your KeyCite Alert settings under *Entry Details* on the left side of the page. To change the delivery settings listed on the right side of the page, click **Edit** to display the KeyCite Alert: Edit Delivery Settings page (Figure 38). When you finish setting up your entry, click **Save** to save it in the KeyCite Alert Directory.

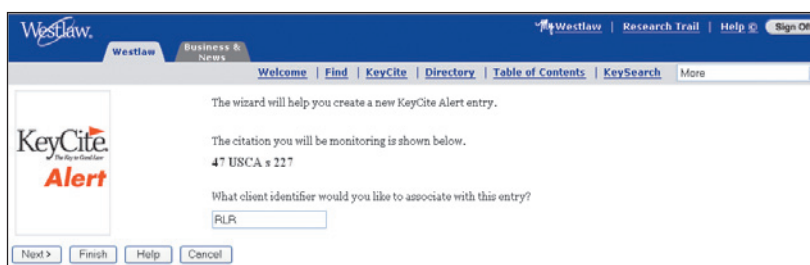


Figure 36: KeyCite Alert wizard

Figure 37: KeyCite Alert: Create Entry page

Figure 38: KeyCite Alert: Edit Delivery Settings page

## Restricting Citing References for Your KeyCite Alert Entry

To restrict the citing references for your KeyCite Alert entry, click **Limit Citing Refs** at the KeyCite Alert: Create Entry page (Figure 37).

When the KeyCite Alert Limits page is displayed, click the arrows in the left frame to restrict the list of citing references by headnote, Locate term, jurisdiction, document type, or depth of treatment category for cases (Figure 39) and by notes of decisions, Locate term, jurisdiction, or document type for statutes (Figure 40).

After selecting your limits, click **Apply** in the left frame to return to the KeyCite Alert: Create Entry page.

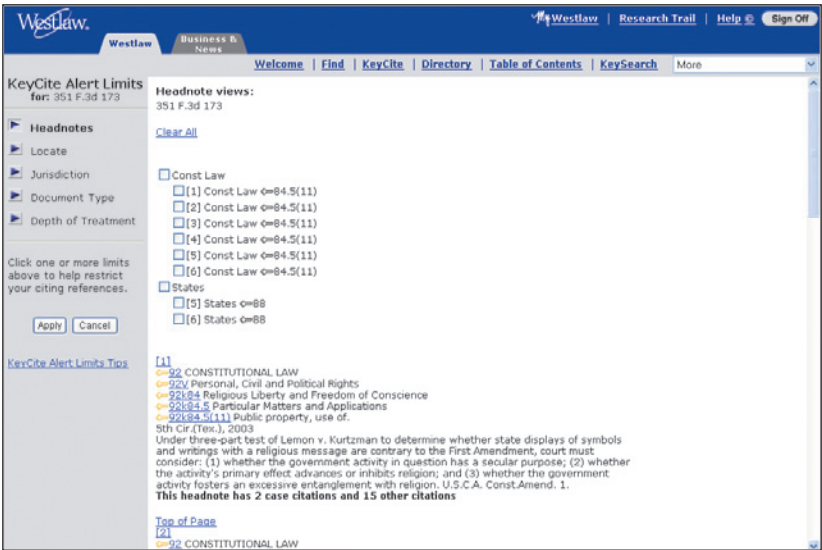


Figure 39: Restricting citing references for a KeyCite Alert case law entry

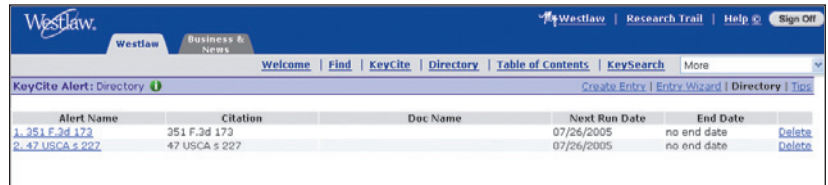


Figure 40: Restricting citing references for a KeyCite Alert statute entry

## Modifying or Deleting an Entry

You can use the KeyCite Alert Directory (Figure 41) to delete or modify an entry. The directory lists entries in the order you created them. Entries remain in the directory until you delete them.

To remove an entry from the directory, click **Delete** next to that entry. To modify an entry, click its name or citation under *Alert Name*. The KeyCite Alert: Create Entry page is displayed.



Alert Name	Citation	Doc Name	Next Run Date	End Date	
<a href="#">1. 351 F.3d 173</a>	351 F.3d 173		07/26/2005	no end date	<a href="#">Delete</a>
<a href="#">2. 47 USCA 2 227</a>	47 USCA 2 227		07/26/2005	no end date	<a href="#">Delete</a>

Figure 41: KeyCite Alert: Directory page

# Table of Authorities

The Table of Authorities service lists the cases cited by a case. It is a useful tool for finding hidden weaknesses in a case because it not only lists the cases on which the case relies but also shows whether those cases have significant negative history. The Table of Authorities is also available for ALR annotations, law review articles, and selected administrative decisions.

## Accessing the Table of Authorities Service

From any westlaw.com page, choose **Table of Authorities** from the *More* drop-down list on the toolbar. The Table of Authorities page is displayed (Figure 42). Type a citation in the *Enter citation* text box and click **GO**.

From a displayed case in split-page view, click **Table of Authorities** on the Links tab in the left frame; in full-page view, click **Links for ...** at the top of the page, then click **Table of Authorities**.

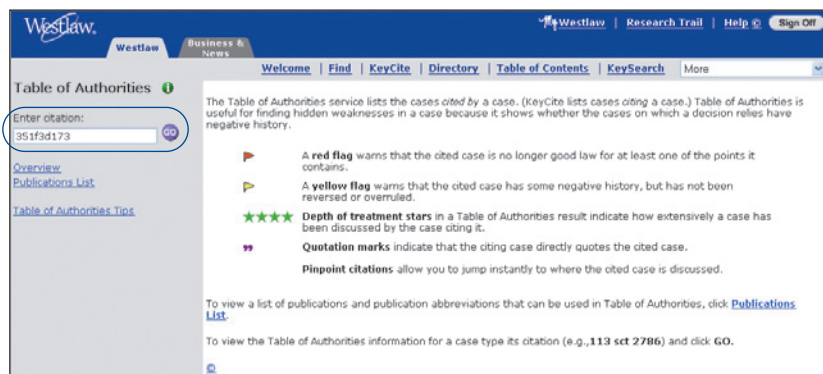


Figure 42: Table of Authorities page

## Using Table of Authorities Information

The Table of Authorities result (Figure 43)

- lists each case cited by your case. To view the full text of a cited case in the Link Viewer, click the number preceding its citation in the Table of Authorities list.
- displays depth of treatment stars for each cited case, indicating the extent to which your case discusses the cited case.
- displays KeyCite status flags for cited cases, which indicate whether the cases have history or citing references available in KeyCite.
- displays quotation marks when your case directly quotes the cited case.
- identifies the print page location of the first reference to each of the cases cited by your case. To view a reference, click the page number (shown circled in Figure 43) after the citation in the Table of Authorities list. The portion of your case containing the cited reference will be displayed in the right frame and highlighted for easy identification (Figure 44).



## Table of Authorities

The screenshot shows the Westlaw interface for the case **Van Orden v. Perry**, 253 F.3d 173, 351 F.3d 173 (5th Cir. 2003). The left sidebar contains navigation links: Result List, Links for 351 F.3d 173, Full Screen List, Some negative history but not overruled, KeyCite, Full History, Direct History (Graphical View), Citing References, Monitor With KeyCite Alert, Full-Text Document, Case Outline, Petitions, Briefs & Filings, ResultsPlus, ALR, Causes of Action, Am.Jur. Proof of Facts, Table of Authorities, and West Key Numbers. The main content area displays a list of 13 cases cited in the opinion, each with a star rating and a page number. The cases are: 1. Books v. City of Elkhart, Indiana, 235 F.3d 292 (7th Cir. Ind.) 2000 (179+); 2. Capitol Square Review and Advisory Bd. v. Pinette, 115 S.Ct. 2440 (U.S. Ohio 1995) (178); 3. County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter, 109 S.Ct. 3086 (U.S. Pa. 1989) (178+); 4. Edwards v. Aguillard, 107 S.Ct. 2573 (U.S. La. 1987) (177); 5. Free thought Soc. of Greater Philadelphia v. Chester County, 334 F.3d 247 (3rd Cir. Pa.) 2003 (182); 6. Good News Club v. Milford Central School, 121 S.Ct. 2093 (U.S. 2001) (178); 7. Lemon v. Kurtzman, 91 S.Ct. 2105 (U.S. Pa. 1971) (177); 8. Lynch v. Donnelly, 104 S.Ct. 1355 (U.S. R.I. 1984) (178+); 9. Mueller v. Allen, 103 S.Ct. 3062 (U.S. Minn. 1983) (179+). The right sidebar shows the case citation and a link to the full text document.

Figure 43: Table of Authorities result

The screenshot shows the Westlaw interface for the case **Van Orden v. Perry**, 253 F.3d 173, 351 F.3d 173 (5th Cir. 2003). The left sidebar contains navigation links: Result List, Links for 351 F.3d 173, Full Screen List, Locate in Result, Find citation, Some negative history but not overruled, KeyCite, Full History, Direct History (Graphical View), Citing References, Monitor With KeyCite Alert, Full-Text Document, Case Outline, Petitions, Briefs & Filings, ResultsPlus, ALR, Causes of Action, Am.Jur. Proof of Facts, Table of Authorities, and West Key Numbers. The main content area displays the full text of the opinion, with a cited reference highlighted in yellow: **Books v. City of Elkhart, Indiana, 235 F.3d 292, 306 (7th Cir. 2000)**. The text of the opinion discusses the plaintiff's argument that the decalogue's installation coupled with religious ceremony, see **Books v. City of Elkhart, Indiana, 235 F.3d 292, 306 (7th Cir. 2000)**, cert. denied, 532 U.S. 1058, 121 S.Ct. 2209, 149 L.Ed.2d 1036 (2001).

Figure 44: Cited reference highlighted in the citing case

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